



42706.0400 (BC72)

#21  
W. Lawson  
7/21/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Robert Weston, et al.

Serial No.: 09/039,202

Filed: March 13, 1998

For: METHOD AND APPARATUS FOR  
TRANSMITTING DATA

Patent Examiner: Salce, Jason P.

Group Art Unit: 2611

July 9, 2003

Irvine, California 92614

~~07/15/2003 SDIRETA1 00000038 192814 09039202~~  
~~01 FC:1006 750.00 DA~~  
**CONTINUED PROSECUTION APPLICATION**  
**37 CFR § 1.53 (d)**

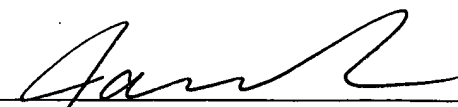
Mail Stop CPA  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

07/15/2003 SDIRETA1 00000038 09039202  
01 FC:1006 750.00 DA

Dear Sirs:

Responsive to the Office Action of April 9, 2003, Applicant files this continued prosecution application and requests entry of the enclosed preliminary amendment prior to the first examination thereof. After entry of the enclosed preliminary amendment, claims 3 and 5-13 remain in this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 9, 2003.

By:   
James Lee

Dated: July 9, 2003

Very truly yours,

**SNELL & WILMER L.L.P.**



Albin H. Gess  
Registration No. 25,726  
1920 Main Street, Suite 1200  
Irvine, California 92614-7230  
Telephone: (949) 253-2720

Docket No.

42706-0400 (BC72)

☐ **DUPLICATE** (Check box if applicable)**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL (Large Entity)**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

First Named Inventor

Examiner

Group/Art Unit

David Robert Weston

Jason P. Salce

2611

Address to:  
Mail Stop CPA  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/039,202 filed on March 13, 1998 and entitled:

**METHOD AND APPARATUS FOR TRANSMITTING DATA****RECEIVED**

JUL 17 2003

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1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. ☐ An Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations
6. ☐ The fee for this application is calculated as follows:

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	10	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$750.00
TOTAL FILING FEE					\$750.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☒ The Director is hereby authorized to credit overpayments or charge the following fees to Deposit  
Account No. 19-2814

- ☒ fees required under 37 C.F.R. 1.16.  
☒ fees required under 37 C.F.R. 1.17.  
☐ fees required under 37 C.F.R. 1.18.

8. ☐ A check in the amount of \_\_\_\_\_ is enclosed.

9. ☐ Also enclosed:

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10. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)  
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

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NOTES

Submit an original, and a duplicate for fee processing Technology Center 2600

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: July 9, 2003

  
Signature

Albin H. Gess

Typed or printed name

25,726

Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

cc:



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Irvine, California 92614

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**PRELIMINARY AMENDMENT IN**  
**CONTINUED PROSECUTION APPLICATION**  
**UNDER 37 CFR § 1.115**

Mail Stop CPA  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

Responsive to the Office Action of April 9, 2003, finally rejecting all the claims in the application, kindly enter the following amendment prior to examination of the above Continued Prosecution Application.